

lands or tenements lie, to execute a deed of conveyance to the purchaser or his legal representative. This section shall apply to all officers making sales under executions.

Venditioni Exponas.

1904, art. 87, sec. 27. 1888, art. 87, sec. 26. 1860, art. 88, sec. 30. 1829, ch. 158, sec. 1.

27. If any sheriff shall have taken property in execution and shall fail to make sale thereof for five years, or shall be in insolvent circumstances, the person for whose use such execution was issued may, in either case, have a writ of *venditioni exponas* issued to the sheriff for the time being.

A sheriff who makes a levy has power to sell after the return of the *fi. fa.*, and after his term has expired. *Busey v. Tuck*, 47 Md. 174.

Nature of a *vendi*. Where a *fi. fa.* has been issued and a *vendi* follows, but between the *fi. fa.* and the *vendi* the debtor becomes an insolvent, the sheriff's sale under the *vendi* is void. *Manahan v. Sammon*, 3 Md. 471.

Where a judgment *in rem* is described in the execution and in the *vendi*, which follows it as *in personam*, the execution is void and not voidable only. Where, however, the only defect is that the return of the *vendi*, while showing the "property on hand and unsold," did not show what property was referred to and why it was unsold, the *vendi* will be upheld. Prior to this section, the *vendi* always issued to the sheriff to whom the *fi. fa.* had issued. *Deakins v. Rex*, 60 Md. 598; *Busey v. Tuck*, 47 Md. 174.

See art. 20, sec. 13.

Execution of Death Penalty.

Ibid. sec. 28. 1888, art. 87, sec. 27. 1860, art. 88, sec. 31. 1795, ch. 82, sec. 1. 1882, ch. 403.

28. The sheriff shall execute the sentence of death pronounced against any criminal by the judgment of any court of this State whenever he is authorized to do so by the warrant of the governor, and it shall be the duty of the sheriff to execute every such sentence of death in as private a manner as possible and to exclude from the view thereof all persons except his deputies, the spiritual advisers of the criminal, the legal counsel who defended him, his or her relatives (not more remote than the second degree of either affinity or consanguinity), and such other persons, not exceeding twenty, as he may appoint to witness the same; and the said sheriff shall notify the physician of the jail, if there be any, or if there be no such physician or he refuse to attend the execution, then said sheriff shall procure some other physician of good standing to attend and furnish him a certificate that the execution was properly performed, and for said service said physician shall receive the sum of fifteen dollars, to be paid by the county or Baltimore city where said execution takes place (as the case may be); and said sheriff shall return the execution of the sentence under said warrant, verified by his oath, to the court which sentenced said prisoner, together with said physician's certificate, which, with said return shall be recorded by the clerk among the proceedings in the case.